

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

George D. Metz, II,	)	Case No. 8:23-cv-01159-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
City of Easley South Carolina,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on Plaintiff's Amended Complaint alleging that an Easley city ordinance infringes upon his First Amendment rights. ECF No. 25. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge William S. Brown for pre-trial proceedings and a Report and Recommendation ("Report"). On August 19, 2024, Defendant filed a motion to dismiss or, in the alternative, for judgment on the pleadings. ECF No. 55. The motion has been fully briefed. ECF Nos. 59, 61. On October 16, 2024, the Magistrate Judge issued a Report recommending that the motion be denied. ECF No. 67. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Neither party has filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, the motion to dismiss or, in the alternative, for judgment on the pleadings [55] is **DENIED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

January 14, 2025  
Spartanburg, South Carolina